Friends of Merrymeeting Bay

P.O. Box 233, Richmond, ME 04357 www.fomb.org

4/11/25

Re: Docket 25-133. FCC's Notice for Deregulation-Delete, Delete, Delete

Friends of Merrymeeting Bay recommends the following rules for deletion either in part or in their entirety, interpretation and or amendments as noted for clarification and to eliminate conflicts, and compliance with the 2021 remand in EHT et al v. FCC.

1. **The following rules should be deleted in their entirety:**

a) Small Cell Order - Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Inv.,33 FCC Rcd. 9088 (2018)[1]
b) Moratoria Order - Declaratory Ruling in Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Inv., 33 FCC Rcd. 7705, 7775–91 (2018) [2]
c) One-Touch Make Ready Order – Third Report and Order in Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Inv.,33 FCC Rcd. 7705, 7705–91 (2018)[3]
d) Middle Class Tax Relief Act, Section 6409 initial rules 2014 [4] - expand perimeter around a tower 6 feet in diameter
e) Middle Class Tax Relief Act, Section 6409 expansion 2020 [5] - expand perimeter around a tower 30 feet in diameter
f) NEPA 1986 satellite categorical exclusion[6]

2. **For the 1996 rule promulgating RF limits**,[7] the FCC should issue an interpretive rule clarifying that these limits (a) only provide a regulatory safe harbor with respect to Section 704(c)(7) for the siting of wireless facilities and (b) do not provide a safe harbor for, and are not preemptive of, state-based claims regarding, product liability or property rights.

3. **In 47 C.F.R. Section 1.4000**, also known as the Over-the-Air-Transmitting-Devices (OTARD), delete references to "fixed wireless signals:"

FCC's Compliance with Court Order

The FCC must comply with the 2021 court remand order by the D.C. Circuit Court of Appeals which requires the FCC to review its RF radiation exposure limits in light of the 11,000 pages of scientific, peer-reviewed studies showing biological effects within its limits. The court ordered the FCC to examine the effects of long-

[1] https://www.fcc.gov/document/fcc-facilitates-wireless-infrastructure-deployment-5g
[2] https://www.fcc.gov/document/fcc-speeds-access-utility-poles-promote-broadband-5g-deployment-0
[3] https://www.fcc.gov/document/fcc-speeds-access-utility-poles-promote-broadband-5g-deployment-0
[4] https://www.fcc.gov/document/wireless-infrastructure-report-and-order
[5] https://www.fcc.gov/document/fcc-streamlines-local-approval-wireless-structure-modifications-0
[6] Federal Register at page 14999 https://www.govinfo.gov/content/pkg/FR-1986-04- 22/pdf/FR-1986-04-22.pdf
[7] https://www.fcc.gov/document/guidelines-evaluating-environmental-effects-radiofrequency

term exposure to humans and the environment, particularly to children. When will the FCC comply with this court order?

The MAHA Commission Executive Order requires the study of potential contributing causes of childhood chronic disease, including from "electromagnetic radiation." The FCC's actions also need to be consistent with that Executive Order.

Thank you,

Ed Friedman, Chair
Friends of Merrymeeting Bay